

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1511-03
Bill No.: HCS for SB 342
Subject: Agriculture and Animals; Crimes and Punishment; Agriculture Department;
Health Department; Waste-Solid; Entertainment, Sports and Amusements; Banks
and Financial Institutions; Education, Higher; Property - Real and Personal
Type: Original
Date: April 22, 2013

Bill Summary: This proposal changes laws regarding agriculture.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

Note: No fiscal impact is shown for §348.521; however, changes to this section would increase the state's overall financial exposure from \$20,000 to \$50,000 per loan if defaulted.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 20 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
School District Trust*	\$0	\$0	\$0
Conservation Commission	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Parks, and Soil and Water	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Road Fund	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

* Revenues and expenditures net to zero

** Reduced income and reduced transfers net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	(More than \$200,000)	(More than \$200,000)	(More than \$200,000)

FISCAL ANALYSIS

ASSUMPTION

§ 144.527 - Farmers Market Sales Tax Exemption

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assume this section of the proposal would not result in any additional costs or savings to their agency.

BAP noted this section would provide a tax exemption on sales at farmers markets. According to information on the United States Department of Agriculture (USDA) website, Missouri has about 141 of the 7,175 national farmers markets, or about 2.0%. The same source estimates national sales at over \$1.2 billion annually. Using these figures suggests Missouri sales of about \$24 million annually. Some of these sales are probably already exempt, but the amount is unknown. Further, this proposal precludes any farmer with estimated total annual sales over \$25,000 from receiving the exemption. Based on this information, a state sales tax exemption could reduce General and Total State Revenues by the following amounts:

General Revenue Fund	\$720,000
School District Trust Fund	\$240,000
Conservation Commission Fund	\$30,000
Parks, and Soil and Water Fund	\$20,000

Officials from the **Department of Natural Resources** assume this section would decrease the amount of funding available in the Parks and Soils Sales Tax Funds. These funds have been used for the acquisition and development, maintenance and operation of state parks and historic sites and to assist agricultural landowners through voluntary programs. Exempting sales tax for the purposes described in this section would decrease the amount of funding available in the Parks and Soils Sales Tax Funds for long term operation of Missouri's state parks and historic sites.

The Parks and Soils Sales Tax Funds are derived from one-tenth of one percent sales and use tax pursuant to Article IV Section 47(a) of the Missouri Constitution. Therefore, any additional sales tax exemption would be an unknown loss to the Parks and Soils Sales Tax Funds.

ASSUMPTION (continued)

According to officials from the **Department of Conservation**, the Conservation Sales Tax funds are derived from one-eighth of one percent sales and use tax pursuant to Article IV Section 43 (a) of the Missouri Constitution. Exempting all sales of farm products sold at farmers' markets from sales tax will decrease sales tax collected and thus would decrease revenue to the Conservation Sales Tax funds.

Officials from the **Department of Revenue - Division of Taxation** state there will no fiscal impact on their agency, but the exemption of farm products from sales tax will reduce State Revenues.

Fiscal impact

According to a study completed by the Missouri Department of Agriculture, estimated annual sales at Missouri farmers' markets are \$14.5 million. Most of the sales are food related and are currently taxed at the reduced food sales tax rate. The estimated state sales tax loss is \$177,625, and local governments would also have a negative impact.

Oversight assumes since a substantial but unknown part of the reported sales are food and food-related items, which are already not subject to the 3% sales tax for General Revenue, there will be an impact of under \$100,000 to General Revenue from this part of the proposal.

Oversight assumes the fiscal impact of this proposal, for other funds and entities, on \$14.5 million annual sales could be calculated as follows:

<u>Fund or entity</u>	<u>Sales Tax Rate</u>	<u>Revenue Reduction</u>	
		<u>Annual</u>	<u>Ten Months</u>
School District Trust	1.000%	\$145,000	\$120,833
Conservation Commission	0.125%	\$18,125	\$15,104
Parks, and Soil and Water	0.100%	\$14,500	\$12,083
Local Governments *	3.800%	\$551,000	\$459,167

* The 3.8% average rate for local governments was computed by Oversight based on collections reported by the Department of Revenue.

ASSUMPTION (continued)

Oversight will include a revenue reduction less than \$100,000 per year for the Conservation Commission Fund and the Parks, and Soil and Water Fund. Oversight notes that the revenue reduction for the School District Trust Fund would result in reduced transfers to local school districts in addition to the direct revenue reduction greater than \$100,000 per year for local governments.

§ 178.550 - Career and Technical Education Advisory Council

Officials from the **Department of Elementary and Secondary Education** state that, until the make up of the council is determined, they cannot estimate costs; however, they do not anticipate significant costs.

Officials from **Linn State Technical College** indicated an unknown fiscal impact.

Oversight assumes any fiscal impact to community colleges would only relate to participation on the advisory council which would be minimal and could be absorbed with existing resources.

Officials from the **Department of Higher Education, Department of Labor and Industrial Relations, Kansas City Metropolitan Community College, University of Central Missouri, and Missouri State University** each assume this section of the proposal would not fiscally impact their respective agencies.

Also in response to SCS for SB 17, officials from the **Department of Economic Development - Division of Workplace Development, Office of the Governor, Missouri Senate, and Northwest Missouri State University** each assumed the proposal would not fiscally impact their respective agencies.

A response was not received from **Southeast Missouri State University**. The proposal relates to their participation on the advisory council and Oversight assumes any costs associated with such participation would be minimal.

ASSUMPTION (continued)

§ 192.300 - Local Health Board Ordinances, Rules, Orders, and Regulations

In response to HCS for HB for 927 the following responses were received:

Officials from the **Randolph County Health Department (RCHD)** stated this section of the proposal gives authority for local health boards to enact ordinances, rules, orders, and regulations.

RCHD stated the County Commission could decide to rescind the local fee ordinance for the health department and this would result in a one year loss of \$9,010 for sewage permit fees, \$6,831 for food handler permits, and \$12,995 for food establishment licenses.

RCHD stated under current law, the local health board sets these fees and if rescinded by the County Commission, there would be no way to set an order, rule, regulation, or ordinance to issue permits and collect fees. The RCHD could lose a minimum of \$29,000 from these activities.

Officials from the **Clay County Public Health Center (CCPHC)** stated that if the County Commission is not supportive of any ordinances, rules, orders, regulations, the health department will not be able to regulate issues that impact the health of the public. Programs that ensure food safety, water quality and safety, and proper disposal of human waste through sewage disposal systems are currently operated by CCPHC. These programs would be adversely affected, both in terms of management and ability of CCPHC to generate funding support for those public safety activities.

CCPHC stated this section of the proposal could negatively impact the annual operating budget by eliminating \$152,000 each budget year in the following manor:

1. Food Protection Program - \$125,000 annually
2. Private Sewage Disposal system Program - \$16,000 annually
3. Pool Safety Program - \$11,000 annually

Officials from the **Henry County Health Center** assumed this section of the proposal would have a negative fiscal impact on the health center.

Oversight assumes this section requires counties with both a county commission and a county health center board to be in agreement with any order, ordinance, rule, or regulation related to fees.

KB:LR:OD

ASSUMPTION (continued)

Oversight assumes any current fees would remain in place unless both the County Commission and the County Health Center Board are in agreement to rescind those fees and any new fees or fee increases would be required to be approved by both the County Commission and the County Health Center Board. This section of the proposal would result in no direct fiscal impact to local health departments.

§ 196.311 - Eggs

Officials from the **Department of Agriculture** and **Department of Health and Senior Services** each assume this section of the proposal would not fiscally impact their respective agencies.

§ 262.598 - University of Missouri Extension Councils

Officials from the **Platte County Board of Election Commissioners** assume there would be costs for an election for any county conducting an election. Costs per election would range from \$50,000 to \$60,000, depending upon the number of other participants involved in any specific election, as costs would be pro-rated based upon the number of registered voters within each district.

In response to the introduced bill, officials from the **Kansas City Election Board (KCEB)** stated the cost to conduct a city-wide general municipal election can range up to \$350,000 depending on the number of entities participating and the number of registered voters in each jurisdiction requesting the election. The KCEB would need more information about the size and locations of these "districts" before they could give a more accurate estimate of these costs.

Oversight assumes this proposal is discretionary and would have no local fiscal impact without action by the governing body.

Officials from the **Department of Higher Education, Department of Revenue, Office of Administration - Division of Budget and Planning, State Tax Commission, Office of State Courts Administrator, Office of Secretary of State - Elections Division, St. Louis County,** and the **University of Missouri** each assume this section of the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

§ 262.750 - Rodeos

Officials from the **Department of Agriculture** assume this section of the proposal would not fiscally impact their agency.

§ 262.795 - Children Working on Family Farms

Officials from the **Department of Agriculture** and **Department of Labor and Industrial Relations** each assume this section of the proposal would not fiscally impact their respective agencies.

§ 267.655 - Missouri Livestock Disease Control and Eradication Law

According to officials from **Office of Administration - Division of Budget and Planning**, since this section imposes a civil penalty of up to \$1,000 for violations of the Missouri Livestock Disease Control and Eradication Law it could increase Total State Revenue by an unknown amount.

According to officials from the **Department of Agriculture**, any monies collected through civil penalties would be deposited into the County School Fund.

Oversight assumes the number of cases resulting in additional civil penalties impacting total state revenue would be minimal and, for fiscal note purposes only, show no direct fiscal impact from this section of the proposal.

§§ 304.180 & 304.184 - Weight limits on highways for hauling agricultural products

Officials from the **Office of Administration - Division of Budget and Planning** assume that §304.180.9 (2) imposes a \$25 annual fee on any vehicle hauling greater than 80,000 pounds of livestock or agriculture products on Missouri highways. This section would increase Total State Revenues by an unknown amount and impacts the Article X, Section 18(e) cap.

Officials from the **Department of Transportation (MoDOT)** state these sections of the proposal would increase weight allowances and result in increased damage to bridges. Additionally, it would reduce the life expectancy of some of MODOT's bridges. MoDOT is unsure how many \$25 permits would be issued, but do not estimate it would not be enough to cover the cost for the damage to the highways and bridges.

ASSUMPTION (continued)

Officials from the **Department of Natural Resources (DNR)** assume §304.184 of the proposed legislation is not intended to result in the permitting of recycling centers managing source separated or commingled recyclable materials which are currently permit exempt.

DNR anticipates no fiscal impact to their agency resulting from this section of the proposal.

Since there is no way to quantify the total fiscal impact of these sections of the proposal, **Oversight** will assume an unknown negative impact to the Road Fund.

Officials from the **Department of Revenue, Department of Health and Senior Services, State Emergency Management Agency, and the Department of Public Safety - Missouri Highway Patrol** each assume this section of the proposal will have no fiscal impact on their respective organizations.

§ 348.521 - Livestock Feed and Crop Loan Guarantee:

Officials from the **Department of Agriculture and Department of Economic Development** each assume this section of the proposal would not fiscally impact their respective agencies.

Officials from the **Office of Administration - Division of Budget and Planning (BAP)** assume this section of the proposal would increase the maximum loan amount for the Livestock Feed and Crop Input Loan Guarantee Program and could impact general revenue if loans are defaulted.

BAP assumes the section does not change current statutory caps limiting the amount to be spent on loan guarantees at \$4 million.

Oversight assumes this section of the proposal permits the Missouri Agricultural and Small Business Development Authority to increase the maximum livestock feed and crop input loan guarantees from \$40,000 to \$100,000.

Oversight assumes in the event of a default on a livestock feed and crop input loan, the State of Missouri will provide a 50% first loss guarantee for the purchase of livestock feed used to produce livestock or inputs used to produce livestock feed. Currently the state liability is \$20,000 per loan and this section of the proposal will increase the state's liability to \$50,000 per loan.

ASSUMPTION (continued)

Oversight assumes any livestock feed and crop input loan default would have a direct impact on the state General Revenue Fund. However, since the program's inception, no loan default has occurred. Therefore, **Oversight** assumes no direct fiscal impact on state or local government funds, but this section of the proposal would increase the state's overall financial exposure.

§§ 442.571 & 442.576 - Alien or foreign business ownership of agricultural land

Officials from the **Department of Agriculture, Missouri State Tax Commission, Office of State Courts Administrator, and Office of Attorney General** each assume the proposal would not fiscally impact their respective agencies.

§§ 570.030; 578.009; 578.011; 578.012 - Crimes against animals

According to officials from the **Department of Corrections (DOC)**, the penalty provision component of this bill (§570.030) resulting in potential fiscal impact for DOC, is for a class B felony. Currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender.)

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

In response to similar language in HB 564, the following responses were received:

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** could not assume that existing staff will provide effective representation for any new cases arising where indigent persons charged with the proposed new crime of animal trespassing, a new class C misdemeanor.

ASSUMPTION (continued)

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation in all cases.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials from the **Office of Prosecution Services (OPS)** assumed the proposal would not have a fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

Officials from the **Office of Administration - Division of Budget and Planning** assume §578.011 creates the crime of animal trespass as an infraction upon the first conviction and for additional each offense punishable by a fine not to exceed \$200, and a class C misdemeanor by imprisonment or a fine not to exceed \$500. Currently similar offenses could be considered animal neglect. The first conviction is punishable by a fine not to exceed \$500 and fines for subsequent convictions are not to exceed \$1,000. These changes could have an unknown impact to Total State Revenue.

Oversight assumes the number of cases resulting in additional fine revenue impacting total state revenue would be minimal and, for fiscal note purposes only, will show no direct fiscal impact from this section of the proposal.

§ 1 - Trichomoniasis Epidemiological Investigations:

Officials from the **Department of Agriculture (AGR)** state this section of the proposal would have a fiscal impact on AGR.

AGR states, due to implementation of regulations on intrastate movement, the incidence of trichomoniasis in Missouri has declined from 4-5% to less than 2%. However, Section 1 of this proposal allows any cattle initially testing positive for trichomoniasis to be retested within ten days of the initial positive test. If the retest is negative, and a third test on the animal is also negative, the animal shall be considered trichomoniasis negative.

ASSUMPTION (continued)

AGR assumes allowing initially positive animals to be reclassified as negative could reverse the progress made against trichomoniasis and lead to an increased incidence of the disease, which would lead to significant costs for the producer (lost calves) and additional (but unknown) AGR costs related to the additional monitoring and surveillance required due to the disease's potential resurgence.

AGR notes, in 2012, 8,217 bulls were tested by the State Animal Health Laboratory and 114 epidemiological investigations were conducted based on positive test results. Although the cost of the tests is borne by the producer, the costs associated with the epidemiological investigations are borne by AGR. It is difficult to determine the exact level of increase in these costs under Section 1, and AGR assumes they could be significant.

Oversight notes some producers may send samples to other testing laboratories accredited by the American Association of Veterinary Laboratory Diagnosticians or the National Animal Health Laboratory Network for analysis and investigation.

Oversight assumes Section 1 of this proposal could lead to additional trichomoniasis cases and epidemiological investigations for AGR.

Since the exact number of additional cases resulting from this section investigated by AGR is not known, **Oversight** assumes the costs from Section 1 could be absorbed by AGR. However, if a significant number of new epidemiological investigations of trichomoniasis result from this section, AGR may request additional funds through the normal appropriation process.

§ 2 - Animal Health Advisory Committee:

Officials from the **Department of Agriculture (AGR)** assume this section of the proposal will result in no fiscal impact.

Oversight assumes Section 2 of this proposal, creates within AGR, the species-specific Animal Health Advisory Committee. The committee will meet once a month and will be responsible for developing and evaluating all animal health related rules, regulations, and legislative positions for AGR. This section should result in no direct fiscal impact.

ASSUMPTION (continued)

Bill as a Whole:

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the Secretary of State's Office for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Revenue reduction</u> - DOR - Sales Tax exemption (§144.527)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Costs</u> - DOC - Incarceration expenses (§570.030)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
CONSERVATION COMMISSION FUND			
<u>Revenue reduction</u> - DOR - Sales Tax exemption (§144.527)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUND	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
PARKS, AND SOIL AND WATER FUND			
<u>Revenue reduction</u> - DOR - Sales Tax exemption (§144.527)	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
ESTIMATED NET EFFECT ON PARKS, AND SOIL AND WATER FUND	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

<u>FISCAL IMPACT State Government</u> (Continued)	FY 2014 (10 Mo.)	FY 2015	FY 2016
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SCHOOL DISTRICT TRUST FUND

<u>Revenue reduction</u> - DOR -Sales Tax exemption (§144.527)	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Savings</u> - School Districts - Less money transferred to schools from sales tax revenue (§144.527)	More than <u>\$100,000</u>	More than <u>\$100,000</u>	More than <u>\$100,000</u>

ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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ROAD FUND

<u>Income</u> - MoDOT - Fee Income (§304.184)	Unknown (Expected to be less than \$100,000)	Unknown (Expected to be less than \$100,000)	Unknown (Expected to be less than \$100,000)
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<u>Cost</u> - MoDOT - Expense of repair of damaged bridges (§§ 304.180 & 304.184)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE ROAD FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
LOCAL POLITICAL SUBDIVISIONS			
<u>Loss - School Districts - Reductions from sales tax exemption - from State's School District Trust Fund (§144.527)</u>	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
<u>Revenue reduction - DOR - Sales Tax exemption (§144.527)</u>	(More than \$100,000)	(More than \$100,000)	(More than \$100,000)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	(More than \$200,000)	(More than \$200,000)	(More than \$200,000)

FISCAL IMPACT - Small Business

§ 144.527 - Farmers Market Sales Tax Exemption - This section of the proposal would have a direct fiscal impact to small businesses which operate farmers' markets or sell specified items at farmers' markets.

§ 196.311 - Eggs - Small business farmers that sell such eggs could be positively impacted as a result of this section of the proposal.

§ 262.750 - Rodeos - Direct fiscal impact to small business rodeos could result from this section.

§ 262.598 - University of Missouri Extension Councils - In the event a tax is approved, any small business in the area that approves a tax for an extension district would be affected.

§ 304.184 - Vehicles Hauling Recyclable Waste for Animal Feed - This section of the proposal could assist small business recyclers and haulers. However, increased weight restrictions on bridges as well as wear and tear on the state's highway and bridge systems could have a negative impact on small businesses delivering or receiving goods.

§ 348.521 - Livestock Feed and Crop Loan Guarantee - Direct fiscal impact to small business farmers could result from this section of the proposal.

§ 1 - Trichomoniasis Epidemiological Investigations:

Direct fiscal impact to small business farmers could result from this section of the proposal.

FISCAL DESCRIPTION

§ 144.527 - Farmers Market Sales Tax Exemption

This section creates a state and local sales and use tax exemption, as described in the act, for farm products sold at a farmers' market. However, this exemption does not apply to any farmer with estimated total annual sales of twenty-five thousand dollars or more from participating in farmers' markets.

§ 267.655 - Violations of the Missouri Livestock Disease Control and Eradication Law

This section allows additional civil penalties to be imposed for violations of the Missouri Livestock Disease Control and Eradication Law. If the director of the Department of Agriculture determines that an individual has violated the law, the director will have authority to assess a civil penalty of not more than one thousand dollars per incident. If a person fails to pay a penalty or restitution, the director may apply to the Circuit Court of Cole County for an order to enforce the penalty or restitution.

§ 304.180 - Weight limits on highways for agricultural products

Under current law, the total gross weight of any vehicle hauling livestock may be as much as 85,000 pounds while operating on certain highways in certain areas. This section expands the scope of this 85,000 weight limitation to vehicles hauling agricultural products (excluding log trucks) and allows the weight on all highways except highways that are part of the Dwight D. Eisenhower System of Interstate and Defense Highways. Operators hauling greater than 80,000 pounds under this provision must annually apply for a permit from the Department of Transportation (\$25 fee). Operators renewing the permit must submit a list of roads traveled and the number of miles traveled on each road during the year.

§ 304.184 - Vehicles Hauling Recyclable Waste for Animal Feed

Under current law, trucks transporting solid waste between cities and solid waste processing facilities may operate with additional axle weight limits (22,400 pounds on one axle or 44,800 pounds on any tandem axle). Under this section, trucks transporting recyclable waste for the use in the production of animal feed between cities and recycling facilities may operate under the same axle weight limitations.

FISCAL DESCRIPTION (continued)

§ 348.521 - Livestock Feed and Crop Loan Guarantee

Currently, the Missouri Agricultural and Small Business Development Authority may issue loans for livestock feed and crop input to individuals for up to forty thousand dollars. This section raises the loan amount to one hundred thousand dollars.

§§ 570.030; 578.009; 578.011; 578.012 - Crimes against animals

§570.030 makes the stealing of any animal considered livestock, as defined in the act, a Class B felony.

Currently, a person is guilty of animal neglect when he or she has custody, ownership, or both of an animal and fails to provide adequate care or adequate control that results in substantial harm to the animal. §578.009 specifies that a person will be guilty of animal neglect if he or she has custody, ownership, or both and fails to provide adequate care. The term custody applies only to an agent or employee of the owner who is in possession of the animal.

The crime of animal trespass is created in §578.011 if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours. The first conviction for animal trespass is punishable by a fine not to exceed two hundred dollars. The second and subsequent convictions are a Class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars. The term custody applies only to an agent or employee of the owner who is in possession of the animal.

Currently, a person is guilty of animal abuse when the person having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. §578.012 specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate control that results in substantial harm to the animal. The term custody applies only to an agent or employee of the owner who is in possession of the animal.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Agriculture
Department of Economic Development
Department of Revenue
Department of Health and Senior Services
Office of Secretary of State
Joint Committee on Administrative Rules
Office of Administration - Division of Budget and Planning
Missouri State Tax Commission
Department of Elementary and Secondary Education
Department of Higher Education
Department of Public Safety - Missouri State Highway Patrol
Department of Natural Resources
Office of Governor
Department of Labor and Industrial Relations
Department of Transportation
Department of Corrections
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Northwest Missouri State University
Linn State Technical College
Missouri State University
University of Central Missouri
Clay County Public Health Center
Randolph County Public Health Department
Henry County Health Center



Ross Strope
Acting Director
April 22, 2013